

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

Darnell Khan, #330148,)	Civil Action No. 9:15-4585-BHH
)	
Plaintiff,)	
)	
vs.)	ORDER AND OPINION
)	
Bryan P. Stirling, Director of SCDC, and)	
Cecilia Reynolds, Warden of Lee)	
Correctional Institution,)	
)	
Defendants.)	
)	

Plaintiff Darnell Khan (“Plaintiff”), proceeding *pro se*, brought this action pursuant to 42 U.S.C. § 1983. (ECF No. 1.) In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B), D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pre-trial handling and a Report and Recommendation (“Report”).

This matter is before the Court on Defendant’s Motion for Summary Judgment (ECF No. 48). On January 13, 2017, Magistrate Judge Marchant issued a Report recommending that Defendant’s Motion for Summary Judgment be granted and this case be dismissed. (ECF No. 51.) The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. (*Id.* at 12.) Plaintiff filed no objections and the time for doing so expired on January 30, 2017.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court may accept, reject, or modify, in whole or in part, the Report or may recommit

the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a careful review of the record, the applicable law, and the Report, the Court finds the Magistrate Judge’s recommendation to be proper and to evince no clear error. Accordingly, the Court adopts the recommendation and incorporates the Report herein by specific reference. Defendant’s Motion for Summary Judgment (ECF No. 48) is GRANTED and this case is dismissed.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

February 9, 2017
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.